

Notice of Allowability

Application No.

09/237,896

Examiner

Joseph R. Pokrzywa

Applicant(s)

OTSUKA ET AL.

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated 10/20/04.
2. ☒ The allowed claim(s) is/are 1-3,6-14,16,19,21-28,31-37 and 47 (renumbered as claims 1-30, respectively).
3. ☒ The drawings filed on 27 January 1999 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11/8/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Joseph R. Pokrzywa
JOSEPH R. POKRZYWA
EXAMINER
ART UNIT 2622

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 10/20/04, and has been entered and made of record. Currently, **claims 1-3, 6-14, 16, 19, 21-28, 31-37, and 47** are pending.

Information Disclosure Statement

2. The references listed in the Information Disclosure Statement submitted on 11/8/04 have been considered by the examiner (see attached PTO-1449).

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Philip Caramanica on Monday November 29, 2004.

In accordance with independent **claim 1**, the word "judgement" is being changed to be spelled "judgment" in dependent **claims 2, 7, 8, 11, 16, 21, 22, 26, 28, 32-34, and 47**.

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Particularly, the application has been amended as follows:

in *claims 2, 7, and 32*, line 1 of each claim, “judgement” was changed to read “judgment”;

in *claims 8, 11, 22, 28, 33, 34, and 47*, line 2 of each claim, “judgement” was changed to read “judgment”;

in *claims 16 and 21*, line 3 of each claim, “judgement” was changed to read “judgment”;
and

in *claim 26*, line 5, “judgement” was changed to read “judgment”.

Allowable Subject Matter

4. **Claims 1-3, 6-14, 16, 19, 21-28, 31-37, and 47 are allowed (renumbered as claims 1-30, respectively).**

5. The following is an examiner’s statement of reasons for allowance:

Regarding *claim 1*, in the examiner’s opinion, it would not have been obvious to have the facsimile device, as claimed, include the features of having second image data stored in a memory box specified by advance from among the memory boxes, with the image transfer device transferring the second image data stored in the specified memory box to the calling side when the judgment device judges that the designation of memory box specified by the transfer command is ineffective. This limitation, which was added to claim 1 in the amendment dated 10/20/04, includes features from now canceled claim 15, which was indicated as having allowable subject matter in the Office action dated 4/21/04. The closest prior art, previously noted as Ogata (U.S. Patent Number 5,283,665) and Von Meister (U.S. Patent Number

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5,452,099), as well as the newly discovered reference of Imai *et al.* (U.S. Patent Number 6,104,504), each fail to expressly disclose this feature.

Particularly, Ogata teaches of a system that stores incoming messages in mailboxes, and transfers a message that is displayed when there is a disagreement in a comparison, therein being when the transfer command is ineffective. However, Ogata fails to expressly disclose of transferring second image data, being stored in a specified mailbox in advance, when a specified transfer command is judged to be ineffective.

Continuing, the reference of Von Meister discloses a system of storing facsimile messages, whereby the message is identified by a security code, as read in the abstract. Further, Von Meister teaches in column 13, lines 7-15, that an error message can be transmitted as a fax document if a message number is for a document with an “In Person Only” security mode. The examiner notes that this error message could be considered as second image data, as specified in the current claim. However, because Von Meister teaches that the message numbers identify messages, and **not** memory boxes, it would not have been obvious to interpret the reference as teaching the limitation requiring the second image data being stored in a memory box specified in advance from among the memory boxes, whereby the second image data stored in the specified memory box is transferred when the specified memory box is ineffective.

Further, Imai discloses a facsimile system that transmits data stored in mailboxes based on SEP and PWD signals within the facsimile protocol. In one embodiment, Imai teaches of judging if a number in a received SEP signal matches a document, as seen in Fig. 6, and read in column 5, lines 31-40, thereby judging if the transfer command is effective. However, as read in column 5, lines 37-40, if the judgment is determined to be ineffective, “the absence of a

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document sheet is announced to the calling receiving station”. Thus, Imai is unclear if this announcement is actually second “image data”, and further if second image data is stored in a memory box specified by advance from among the memory boxes. In a different embodiment, Imai teaches of transferring first and second image data. As seen in Figs. 14 and 15, Imai teaches of transferring first image data stored in the specified memory box to the calling side (step S437 in Fig. 14) when a SEP signal is received (“yes” in step S434), and alternatively for transferring second image data different from the first image data (S435 in Fig. 14, being the COMM management report), whereby the second image data is stored in a mailbox selected by advance from among the memory boxes (as read in column 10, lines 10-16), with the second image data being transferred to the calling side when a PWD signal is received (either step S438 or S435 in Fig. 14). With this interpretation, Imai fails to expressly disclose of a judgment device that judges if the memory box specified by the transfer command is effective or ineffective. Thus, Imai fails to expressly disclose of transferring first or second image data when the judgment device that judges whether if the memory box specified in the transfer command is effective or ineffective, respectively.

Therefore, because of these reasons, the claim is rendered allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Drawings

6. The drawings received on 1/27/99 are acceptable by the examiner.

Citation of Pertinent Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Imai *et al.* (U.S. Patent Number 6,104,504) discloses a facsimile system that transmits data stored in mailboxes based on SEP and PWD signals within the facsimile protocol.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa
Examiner
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